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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THIS DOCUMENT RELATES TO:

Epic Games, Inc. v. Google LLC, Case No.
3:20-cv-05671-JD

*In re Google Play Consumer Antitrust
Litigation*, Case No. 3:20-cv-05761-JD

Utah v. Google LLC, Case No. 3:21-cv-
05227-JD

CASE NO. 3:21-MD-02981-JD

**PLAINTIFFS' ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED**

PLAINTIFFS' ADMINISTRATIVE MOTION TO CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE SEALED

Case Nos. 3:21-md-02981-JD; 3:20-cv-05671-JD; 3:20-cv-05761-JD; 3:21-cv-5227-JD

Pursuant to Civil Local Rules 7-11 and 79-5, Plaintiffs in the above-captioned actions, Epic Games, Inc., Consumer Plaintiffs and Plaintiff States (collectively, “Plaintiffs”) hereby move the Court to issue an administrative order on the filing under seal of certain portions of Plaintiffs’ Joint Discovery Letter Re: The Deposition Of Armin Zerza (“Plaintiffs’ Letter”). A public redacted version of Plaintiffs’ Letter was filed as required by this Court’s Local Rules.

Subsection (f) of Civil Local Rule 79-5 sets forth procedures that apply when a party (the “Filing Party”) seeks to file information designated as confidential by another party or non-party (the “Designating Party”). Under subsection (f)(1), the Filing Party’s Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed “must identify each document or portions thereof for which sealing is sought”. Pursuant to subsection (f)(3) of Local Rule 79-5, the Designating Party then has 7 days to file a declaration establishing that all of the designated material is “sealable” according to the standards set out in subsection (c)(1), after which any party may respond within 4 days, pursuant to subsection (f)(4). Civil Local Rule 79-5 provides that documents, or portions thereof, may be sealed if a party makes “a specific statement of the applicable legal standard and the reasons for keeping a document under seal, including an explanation of (i) the legitimate private or public interests that warrant sealing; (ii) the injury that will result if sealing is denied; and (iii) why a less restrictive alternative to sealing is not sufficient”. Civ. L.R. 79-5(c)(1) (emphasis in original).

Plaintiffs’ Motion contains portions that are sourced from documents that Defendants Google LLC, Google Ireland Limited, Google Commerce Limited, Google Asia Pacific Pte. Limited, and Google Payment Corp. (collectively, “Google”), and non-party Activision Blizzard, Inc., have designated as “CONFIDENTIAL”, “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “NON- PARTY HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL EYES ONLY”, pursuant to the Protective Order entered by the Court, Case No. 3:21-md-02981-JD, ECF Nos. 123, 154 and 170. Those portions are identified in the declaration submitted herewith and highlighted in the under seal version of Plaintiffs’ Letter.

1 Dated: May 27, 2022

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Paul J. Riehle (SBN 115199)

8 Respectfully submitted,

9 By: /s/ J. Wesley Earnhardt

10 J. Wesley Earnhardt

11 *Counsel for Plaintiff Epic Games, Inc.*

12
13
14 Dated: May 27, 2022

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17 Respectfully submitted,

18 By: /s/ Karma M. Giulianelli

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20 *Co-Lead Counsel for the Proposed Class in*

21 *In re Google Play Consumer Antitrust*

22 *Litigation*

Dated: May 27, 2022

OFFICE OF THE UTAH ATTORNEY GENERAL
Brendan P. Glackin

Respectfully submitted,

By: /s/ Brendan P. Glackin
Brendan P. Glackin

Counsel for Utah

E-FILING ATTESTATION

I, J. Wesley Earnhardt, am the ECF user whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ J. Wesley Earnhardt
J. Wesley Earnhardt